

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HENRY BETHUNE, #500130,

Plaintiff,

Case No. 08-14412

Hon. Marianne O. Battani

v.

Magistrate Judge R. Steven Whalen

MARY BERGHUIS, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Henry Bethune, an inmate housed at the Earnest C. Brooks Correctional Facility, filed a complaint alleging various employees of the Michigan Department of Corrections violated his Eighth Amendment Rights. The Court subsequently referred this matter to Magistrate Judge R. Steven Whalen for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). The Court adopted an August 14, 2009, Report and Recommendation ("R&R"), and awarded summary judgment to Defendants Mary Berghuis, Patricia Caruso, Rick Smith, Brian Evans, Jay Cregg, Michael Wilkinson, Renee VanHouten, and Judy Gracik

On September 14, 2009, Magistrate Judge Whalen issues a R&R sua sponte, recommending that the Court dismiss the remaining Defendants, Daniel Spitters, and "Unknown Corrections Officers, Medical Doctor(s) and Nurses" pursuant to 28 U.S.C. § 1915(e)(2)(B). The Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive

any further right of appeal. See R&R at 16; 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** the remaining Defendants.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: November 6, 2009

CERTIFICATE OF SERVICE

Copies of this Order were mailed to Plaintiff and counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager